Case No. 88-151-STHA Eleanora E. Allori

Amended Order

'IT IS FURTHER ORDERED that the removal of the vegetation necessary to provide this parking from 25% to 27% be and the same is GRANTED; and

IT IS FURTHER ORDERED that the property owner agrees to restrict the adjoining 0.462 acre parcel from any further development; and

IT IS FURTHER ORDERED that the approvals contained herein are conditioned upon compliance with the following restrictions:

11. An infiltration trench should be provided to intercept runoff from the proposed parking area in order to minimize water quality impacts to the stream immediately adjacent to the parking area;

'2. That the natural area adjacent to the stream be stabilized and enhanced by suitable vegetative plantings;

3. That effective erosion and sediment control measures be incorporated; and '4. Covenants acceptable to the County, placed

on the 0.462 acre parcel. appeal from this decision must be made in accordance through B-13 of the Maryland Rules of Procedure."

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN THE MATTER OF THE APPLICATION OF ELEANORA E. ALLORI FOR SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE EAST SIDE OF YORK RD.. 460' NORTH OF CENTER LINE OF

QUAKER BOTTOM RD.

8th ELECTION DISTRICT

3rd COUNCILMANIC DISTRICT

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY No. 88-151-SPHA

<u>OPINION</u>

This case comes before this Board on Petition to allow 27% of R.C. zoned land to be covered by impermeable surfaces in lieu of the allowed 10% and the removal of natural vegetation from 41% of the R.C. 4 zoned land in lieu of the allowed 25%, and a variance to permit 103 parking spaces in lieu of the 38 now in existence. At this point, Petitioner entered as Exhibit No. 1, an amended plat addressing the above issues with testimony to authenticate this to be presented by their engineer.

In opening statements to the Board, Petitioner noted that a meeting had been held with all affected neighbors, with all proper county authorities and with the State Highway Administration, and certain agreements had been reached. The Board will state for the record that agreements reached between all parties do not necessarily mandate that the Petition be granted. The Board will give proper weight to the agreements but will assess the testimony and evidence as it applies to the Baltimore County Zoning Regulations and rule upon its compliance with those regulations.

Mr. Clarke MacKenzie testified as the property owner and noted that the property is now leased to the Milton Inn Corporation who operate a restaurant business. He noted that the building contains some 6,000 square feet, which would require 103 parking spaces, but that the restaurant can only seat 100 people and are therefore requesting only 77 parking spaces. He further testified that the property contains some .994 acres of B.L. zoning and some 2.290 acres of R.C. 4 zoning. He further testified that the parking problem

Eleanora E. Allori Case No. 88-151-SPH/

was horrendous and parking now infringes on both sides of York Road and presents a dangerous situation to traffic on York Road and for customers in the restaurant. He testified that the only practical area to place the proposed additional parking was as evidenced on Petitioner's Exhibit No. 1, and explaine the practical difficulty and the hardship if the requested variances were denied

Mr. Charles Fick, President of George W. Stephens & Associates.

Inc., a registered professional engineer, testified as to the revised site plan submitted to the Board. He testified that the new proposal would provide proper access to the site and that the State Highway had approved this access. He further testified that the property owner agrees to no further development of any kind on the remaining B.L. area, and therefore this area could be included in the calculations for the impermeable area restriction and the vegetation removal restriction. This calculation now reduces the impermeable area originally proposed at 27% to 12% and the vegetation removal area will be reduced from 41% to 27%, and that the parking variance is now reduced from 103 spaces to 77 spaces. He further testified that because or the existence of the present sewerage system and because of the topography of the site these were the only practical solutions to the problems encountered in trying to maintain this historic building and its use.

People's Counsel presented Paul Solomon, the Natural Resource Planner, and testified he has reviewed all those plans and is in agreement that the requested variances as proposed on Exhibit No. 1 should be granted. He further noted the importance of the historical aspect of this site and that it was his opinion that the revised plan addresses the spirit and intent of the County Regulations.

The Board will note that this building in some fashion has been in existence since 1740. Present owners are obviously dedicated to maintaining its historical significance. The amended site plan addresses the impermeable

leanora E. Allori Case No. 88-15/-SPH

surface requirements, the vegetation removal requirements and proposes the minimum parking requirements. The Board is of the opinion that the denial of these variances would in fact be arbitrary and capricious and that the Petitioner has evidenced through testimony, practical hardship or unreasonable difficuly in preserving this site should these requests be denied and will therefore order the variances be granted.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 12th day of May, 1988, by the County Board of Appeals, ORDERED that the proposed 77 parking spaces as shown on Petitioner's Exhibit No. 1 be and the same are GRANTED, and

IT IS FURTHER ORDERED that the variance from 10% to 12% of the impermeable surface requirements as shown on Petitioner's Exhibit No. 1 be and the same is GRANTED, and

IT IS FURTHER ORDERED that the removal of the vegetation necessary to provide this parking from 25% to 27% be and the same is GRANTED, and

IT IS FURTHER ORDERED that the agreement to restrict the balance of the B.L. land from any further development whatsoever be noted in this Order.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN THE MATTER OF THE APPLICATION OF ELEANORA E. ALLORI FOR SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE EAST SIDE OF YORK ROAD. 460' NORTH OF CENTER LINE OF QUAKER BOTTOM ROAD 8th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

CASE NO. 88-151-SPHA

AMENDED ORDER The Board has received a request dated May 23, 1988 from the

Petitioner herein to make certain changes in its Opinion and Order dated May 12, 1988. The changes involve clarification of the percentage of impermeable area and the restrictions on the use of that portion of the property zoned B.L. Upon due consideration of the proposed changes, the Board finds that these changes are insignificant and clerical in nature and therefore will so amend

IT IS THEREFORE this 21st day of June, 1988 by the County Board of Appeals of Baltimore County ORDERED that the Board's Opinion and Order dated May 12, 1988 be amended as follows:

"1. Paragraph 2, page 2 is hereby deleted in its entirety and in lieu thereof the following is

> 'Mr. Charles Fick, President of George W. Stephens & Associates, Inc., a registered professional engineer, testified as to the revised site plan submitted to the Board. He testified that the new proposal would provide proper access to the site and that the State Highway had approved this access. He further testified that the property owner agrees to no further or future development of any kind on the adjoining 0.462 acre parcel zoned B.L., and therefore this area could be included in

Case No. 88-151-SPHA Eleanora E. Allori

Amended Order

the calculations for the impermeable area restriction and the vegetation removal restriction. This condition is agreed to by all parties and specifically noted in People's Counsel's Exhibit No. 1. This calculation now reduces the impermeable area originally proposed at 27% to 12½% and the vegetation removal area will be reduced from 41% to 27%, and that the parking variance is now reduced from 103 spaces to 77 spaces. He further testified that because of the existence of the present sewerage system and because of the topography of the site these were the only practical solutions to the problems encountered in trying to maintain this historic building and its use.

"2. The following is inserted at the conclusion of the Board's findings of fact:

•...As agreed to by all parties and noted on People's Counsel's Exhibit No. i, certain restrictions will be implemented in this Order.

"3. The Order of the Board dated May 12, 1988 is deleted in its entirety and in lieu thereof the following is inserted:

'For the reasons set forth in the aforegoing Opinion, it is this 21st day of June, 1988 by the County Board of Appeals of Baltimore County ORDERED that the proposed 77 parking spaces as shown on Petitioner's Exhibit No. 1 be and the same are GRANTED; and

IT IS FURTHER ORDERED that the variance from 10% to 12½% of the impermeable surface requirements as shown on Petitioner's Exhibit No. 1 be and the same is GRANTED; and

Case No. 88-151-SPHA Eleanora E. Allori

Amended Order

IT IS FURTHER ORDERED that the removal of the vegetation necessary to provide this parking from 25% to 27% be and the same is GRANTED; and

IT IS FURTHER ORDERED that the property owner agrees to restrict the adjoining 0.462 acre parcel from any further development; and

IT IS FURTHER ORDERED that the approvals contained herein are conditioned upon compliance with the following restrictions: 11. An infiltration trench should be provided

to intercept runoff from the proposed parking area in order to minimize water quality impacts to the stream immediately adjacent to the parking area; 12. That the natural area adjacent to the stream be stabilized and enhanced by suitable vege-

*3. That effective erosion and sediment control measures be incorporated; and 14. Covenants acceptable to the County, placed

Any appeal from this decision must be made in accordance

on the 0.462 acre parcel.

with Rules B-1 through B-13 of the Maryland Rules of Procedure."

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

EE-151-8PMA

BALTIMORE COUNTY OFFICE OF PLANNING : ZONING County Office Building 111 W. Chesapeake Avenue

Towson, Maryland 21204 Your petition has been received and accepted for filing this

Petitioner's Received by Attorney - Re-Bruce Aldersang Leguire

Chaffman, Roning Plans Advisory Committee

8th E. & C. Dists.

E/s York Rd., 460° N of c/l of Quaker Bottom Rd. Eleanora E. Allori 2 SIGNS

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - E/S York Road, 460' N of the c/l of Quaker Bottom Road 8th Election District

OF BALTIMORE COUNTY 3rd Councilmanic District Case No. 88-151-SPHA Eleanora E. Allori Petitioner

.

BEFORE THE

DEPUTY ZONING COMMISSIONER

The Petitioner herein requests a special hearing to approve business parking in an R.C. 4 zone and to confirm the non-conforming status of the parking provided, and further, variances to permit 27% of the R.C. 4 zoned land to be covered by impermeable surfaces in lieu of the allowed 10% maximum and removal of 41% of the natural vegetation in lieu of the allowed 25% maximum, both as more particularly described on Petitioner's Exhibit 1.

The Milton Inn Investors Limited Partnership, by Clark MacKenzie, General Partner, appeared, testified and was represented by Counsel, R. Bruce Alderman, Esquire. Also appearing on behalf of the Petition were the following: Charles E. Fick, President of George William Stephens, Jr. and Associates, Inc.; Roland C. MucKenzie, III and Joseph Warfield of MacKenzie Properties, Inc.; and William H. Shriver, III. There were no Protestants.

At the time the Petitions for Special Hearing and Zoning Variance were filed, Eleanora E. Allori was the legal owner of the property and the Milton Inn $rac{1}{2}$ Investors Limited Partnership was the Contract Purchaser. At the time of the hearing hald on October 29, 1987, Clark MacKenzie testified that the Milton Inn Investors Limited Partnership was now the legal owner.

Testimony indicated that the subject property is located on York Road 500 feet north of Quaker Bottom Road in Sparks, Maryland. The property consists of 3.284 acres and has split zoning: B.L. zoning on 0.994 acres and R.C. 4 on 2.290 acres. See Petitioner's Exhibit 1 for existing zone boundaries.

4) Parking in the R.C. 4 zoned area shall be limited to

passenger vehicles, excluding buses, and to those vehicles

5) Parking in the R.C. 4 zoned area shall be limited to

the hours of operation of the "Milton Inn" but in no event

shall parking be permitted later than 2:00 AM or earlier

6) If construction of the parking area marked "future parking" on Petitioner's Exhibit 1 is not completed within four (4) years of the date of this Order, the variances

granted herein for the parking marked "future parking" shall lapse unless an extension is requested and subsequently

7) The Petitioner shall prohibit its patrons from parking

8) The Petitioner may not use the additional parking

spaces provided in the R.C. 4 zone at a later date to sup-

port any parking requirements which may be required under

the BCZR in effect at that time for any building(s), other

than the "Milton Inn" existing as of the date of this Order

and as set forth herein in Petitioner's Exhibit 1 and made a

9) The Petitioner shall comply with any and all conditions

imposed by the Maryland Department of Transportation, State

Highway Administration, Baltimore County's Department of Traffic Engineering and Baltimore County's Health Department.

Inn M Nasprowice

Deputy Zoning Commissioner

of Baltimore County

patronizing the "Milton Inn."

tnan 9:00 AM on any day.

granted.

on York Road.

part of the record.

The Petitioner contends that the property has enjoyed a non-conforming status over its long history of use as the "Milton Inn." The construction of the original stone building, known as the "Milton Inn", began in the 1740's. Additions and alterations have been made to the structure over the years. See Petitioner's Exhibit 3. The uncontested testimony indicated that the property has been used continuously and without interruption, except for a period of approximately 6 months in 1986, as a restaurant/inn since the 1940's.

The Petitioner seeks relief purguent to Sections 104.1 and 500.7 of the Baltimore County Zoning Regulations (BCZR). Although the testimony and evidence presented by the Petitioner was not overwhelming as to the commencement dates of the subject property's use as a restaurant/inn and the non-conforming status of the parking on the R.C. 4 tract, the burden of proof necessary is by a preponderance of the evidence, not proof beyond a reasonable doubt.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner the non-conforming status of the parking in the R.C. 4 zone should be confirmed and the special hearing request

Testimony indicated that there are currently 31 parking spaces and as a result of the limited parking, many of the Milton Inn patrons park on York Road. Clark MacKenzie indicated that the present parking situation is not in the best Anterests of their patrons' safety, particularly due to the width of the road at his location and the increase of traffic over the years. While the Petitioner not aware of any accidents in the past which involved a patron of the Milton the Petitioner has requested the variances set forth above to enable its Patrons to park off York Road and on the subject property.

Under the current BCZR, the Petitioner would be required to provide 103 parking spaces, if the Milton Inn did not enjoy a non-conforming use. The Peti-Itioner has requested permission, under Section 409.4 of the BCZR to use part of

Petitions for Special Hearing and Zoning Variance

E/S York Road, 460° N of C/L of Quaker Bottom Road

8th Election District - 3rd Councilmanic District

Eleanora E. Allori - Petitioner

(The Milton Inn Investors Limited Partnership) Case No. 88-151-SFHA

2a and 2b) Color Photographs of Property

4) Letter of Support from James R. McDonald of the

Greater Sparks-Glencoe Community Council

5) Plat of Property revised 10/28/87 with color

3) Brochure/Menu for Milton Inn

photographs of parking areas

Petitions for Special Hearing and Zoning Variance

Petitioner's Exhibits: 1) Plat of Property revised 10/28/87

Deputy Zoning Commissioner's Order dated November 20, 1987

R. Bruce Alderman, Esquire, Attorney for Petitioner

Mr. Clark MacKenzie, President, Contract Purchaser

2328 West Joppa hoai, Lutherville, Md. 21093

Notice of Appeal received December 9, 1987 from People's Counsel for

Description of Property

Certificate of Posting

Certificates of Publication

Baltimore County

White, Mindel, Clarke & Hill

The Susquehanna Building

29 W. Susquehanna Avenue Baltimore, Maryland 21204

MacKenzie Properties, Inc.

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

the R.C. 4 zoned area of the property to provide additional parking. Currently, a portion of the R.C. 4 zoned area is paved and used to provide some of the existing 31 parking spaces. The Petitioner indicated that if the special hearing and variance requests are granted, the Petitioner plans to add 74 parking spaces. Initially, 39 parking spaces will be added to bring the parking capacity up to 70 spaces.

Mr. Fick testified that the additional 39 spaces will result in coverage with impermeable surfaces in an R.C. 4 zone of 14% in lieu of the 10% maximum permitted and removal of natural vegetation of 34% in lieu of the maximum permitted 25%, both as specified in Section 1A03.4 B5. Mr. Fick further testified that the additional 39 parking spaces on the R.C. 4 zoned area of the property was necessary because the topography of the remaining B.L. zoned portion of the property did not permit the placement of additional parking in that area.

Clark MacKenzie testified that the Petitioner's plan is not to immediately add the additional 35 parking spaces shown on Petitioner's Exhibit 1 mark+ ed "future parking", but to wait two to three years due to the expense and unique characteristics and requirements of that portion of the property. The addition of those parking spaces would bring the property up to current BCZR requirements, but would result in coverage with impermeable surfaces on the lot in the R.C. 4 zone of 27% and removal of natural vegetation of 41%. Testimony of the Fetitioner's representatives indicated that the area initially to be paved was most recently used as a vegetable garden. The area to be paved in the future consists mainly of shrubs with a few trees which would be removed.

Additionally, the Petitioner presented a letter from the Greater Sparks-Glencoe Community Council addressed to Clark MacKenzie dated October 22, 1987 as evidence of the neighborhood's support of the Petitioner's effort to provide additional parking. (See Petitioner's Exhibit 4.)

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the requested special hearing and variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the granting of the special hearing to permit business parking in the R.C. 4 zoned area and the variances requested will not be detrimental to the public's health, safety and general welfare.

Pursuant to the advertisement, posting of the property and public hearing held and for the reasons given above, the special hearing and variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 20 day of November, 1987 that business parking in an R.C. 4 zone and the non-conforming status of the parking provided, be approved, and further, that 27% of the R.C. 4 zoned land may be covered by impermeable surfaces in lieu of the allowed 10% maximum and 41% of the natural vegetation may be removed in lieu of the allowed 25% maximum, both in accordance with Petitioner's Exhibit 1, and as such, the Petitions for Special Hearing and Zoning Variance be and are hereby GRANTED, subject, however, to the following restrictions:

1) The Fetitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Lighting shall be erected so as not to reflect into adjacent residential areas or interfere with traffic.

3) Screening shall be provided in accordance with the Baitimore County Landscape Manual.

Phyllis Friedman, Esquire

Request Notification: Norman E. Gerter, Director of Planning James Hoswell, Office of Planning & Zoning J. Robert Haines, Zoning Commissioner James E. Dyer, Zoning Supervisor Margaret E. duBois, Docket Clerk

PETITIONS FOR SPECIAL HEARING AND VARIANCE

Fast Side of York Road, 4nd feet North of Centerline of

DATE AND TIME: Thursday, October 29, 1987, at 2:00 p.m. PUBLIC HEARING: Room 100, County Office Building, 111 W. Chesapeake A enue.

Petition for Zoning Variance to permit 27% of the R.C. 4 zoned land to be covered by impermeable surfaces in lieu of the required 10% and for the removal of 41% of the natural vegetation in lieu of the required 25%

Being the property of Eleanora E. Allori , as shown on plat

In the event that this Petition(s) is granted, a building permit may be issued hearing set above or made at the hearing.

> J. ROBERT HAINES ZONING COMMISSIONER

People's Counsel of Baltimore County Rm. 223, Old Courthouse Towson, Maryland 21204

Ann M. Nastarowicz, Deputy Zoning Commissioner

8th Election District - 3rd Councilmanic District Case No. 88-151-SPHA

Quaker Bottom Road

Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Special Hearing to approve business parking in an R.C. 4 Zone and to confirm the nonconforming status of the parking provided

plan filed with the Zoning Office.

within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the

OF BALTIMORE COUNTY

Petitions for Special Hearing and Zoning Variance E/S York Road, 460' N of C/L of Cuaker Bottom Road 8th Election District - 3rd Councilmanic District Eleanora E. Allori - Petitioner (The Milton Inn Investors Limited Partnership) Case No. 88-151-SPHA

Petitions for Special Hearing and Zoning Variance

Description of Property Certificate of Posting

Certificates of Funtication Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments Director of Flanning & Zoning Comments

Fetitioner's Exhibits: 1) Plat of Property revised 10/28/8/

La and Cb) (Color Photographs of Property 3) Brochupe Menu for Milton Inn

4) letter of Support from James H. McDonald of the Greater Spanks-Glensoe Community Council dated 107/03/87

5) Flat of Property revised 10/28/87 with color photographs of parking areas

Deputy Loning Commissioner's Order dated November 20, 1987

Notice of Appeal received December 9, 1937 from People's Counsel for builtimore Journey Scrman F. Gentler

cames hoswell J. Robt. Haines Ann M. Nastarowicz James E. Dyer

Dooket Clerk Phyllis C. Friedman, Proplets Counsel

anite, Mindel Starke & Hill The Susquenama Quilding 20 W. Susydinanna Avenue Mr. Clark MacKenzie, Fresident, Contract Purchaser

Muchenzie Properties, Inc. 2325 West Joppa Hoad, Lutherville, Md. 21093

AMN:bjs

m.

County Board of Appeals of Baltimore County Room 200 Court House Toloson, Maryland 21204 JAN 26 1988 🗢 (301) 494-3180 HEARING ROOM #218 January 20 - 1968 NOTICE OF ASSIGNMENT NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL CCMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79. ELE NORA E. FLLORI CASE NO. 88-151-SPHA E/s York Rd., 460' N of c/l of Quaker Bottom Rd. 8th E. Dist.; 3rd C. Dist. Var.-To allow 27% of RC-4 land to be covered by impermeable surfaces 11/20/87 - D.Z.C.'s Order-GRANTED w/restrictions WEDNESDAY, MAY 4, 1988, at 10 a.m. ASSIGNED FOR: cc: R. Bruce Alderman, Esq. Counsel for Petitioner Contract Purchaser Mr. Clark MacKenzie Planning Office David Fields James Hoswell Zoning Office J. Robert Haines Ann Nastarowicz James Dyer Loocket Clerk People's Counsel Phyllis C. Friedman

June Holmen, Secretary

GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. 30) ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

Description to Accompany Petition for Special Hearing to Allow Parking in a Residential Zone, Confirm Nonconforming Status of Parking Provided and Variances. Containing 2.29 acrest.

June 12, 1987 PEVISED: August 11, 1987 Changed Title

Beginning for the same at a point on the existing BL-RC4 Zoning Line. said point being measured North 13° 46' East 460 feet from the centerline intersection of York Road and Quaker Bottom Road; thence binding on the outlines of the herein petitioner the mix following lines: 1) North 81° 55° East 14.30 feet, 2) South 6° 13' East 79.43 feet, 3) North 77° 48' 40" East 314.58 feet, 4) North 33° 38' 20" West 648.45 feet, 5) South 5" 10" East 156.75 feet and 6) South 81" 22" West 59.50 feet to intersect the afcrementioned BL-RC4 Zoning Line, thence binding on said line the two following lines, 7) North 86° 35° 40" East 47.93 feet and 8) South 4° 04° 45" East 369.25 feet to the place of beginning. Containg 2.29 acres of land more or less.

nated table

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER PETITION FOR VARIANCE E/S York Rd., 460' N C/L Quaker Bottom Rd., 8th Election Dist.

OF BALTIMORE COUNTY

Case No. 88-151-SPHA ELEANORA F. ALLORI, Petitioner

.

ENTRY OF APPEARANCE

Please enter the appearance of the Pcople's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or

People's Counsel for Baltimore County

final Order.

Peter Max Timmerman Deputy People's Counsel Room 223, Court Rouse Towson, Maryland 21204 494-2138

I HEREBY CERTIFY that on this 2nd day of October, 1987, a copy of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, White, Mindel, Clarke & Hill, The Susquehanna Bldg., 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner; and The Milton Inn Investors Ltd. Partnership, c/o MacKenzie Properties, Inc., 2328 W. Joppa Rd., Suite 200, Lutherville, MD 21093, Contract Purchaser. Peter Max Zan

DALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ZONING COMMISSIONER October 21, 1987

J. ROBERT HAINES

R. Bruce Alderman, Esquire White, Mindel, Clarke & Hill The Suquehanna Building 29 West Susquehanna Avenue Towson, Maryland 21204

Re: PETITIONS FOR SPECIAL HEARING AND VARIANCE

E/S York Rd., 460' N of c/1 of Quaker Bottom Rd.

Eleanora E. Allori - Petitioner Case No. 88-151-SPHA

Dear Mr. Alderman:

This is to advise you that \$124.58 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Da not remove sign from property from the time it is placed by

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

ore County, Maryland; and remit illing, Towson, Maryland

Signs :	199, 199 ACCOUNT 9	1-615	
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September 24, 1987 R. Bruce Alderman, Esquire White, Mindel, Clarke & Hill The Susquehanna Building 29 West Susquehanna Avenue NOTICE OF HEARING

NOTICE OF HEA Towson, Maryland 21204 Thursday, October 29, 1987 PLACE: Room 106, County Office Building, 111 West Chesapeake No. 37644 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 8817*****2087614 010±1 VALIDATION OR SIGNATURE OF CASHIER

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RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE E/S York Rd., 460' N C/L Quaker Bottom Rd., 8th Election Dist. ELEANORA E. ALLORI, Petitioner

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 88-151-SPHA

ENTRY OF APPEARANCE

::::::

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

ZONING OFFICE

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 I HEREBY CERTIFY that on this 2nd day of October, 1987, a copy

of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, White, Mindel, Clarke & Hill, The Susquehanna Bldg., 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner; and The Milton Inn Investors Ltd. Partnership, c/o MacKenzie Properties, Inc., 2328 W. Joppa Rd., Suite 200, Lutherville, MD 21093, Contract Purchaser. Peter Max Zumeman Peter Max Zimmerman

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Catober 16, 1987

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave.

Bureau of Engineering

Department of Traffic Engineering

State Roads Commissio

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Industrial

Soning Administration

R. Bruce Alderman, Esquire White, Mindel, Clarke & Hill The Susquehanna Avenue Towson, Maryland 21204

> RE: Item No. 535 - Case No. 88-151-SPHA Petitioner: Eleanora E. Allori Petitions for Zoning Variance and Special Hearing

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, JAMES E. DYER Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: G.W. Stephens, Jr. & Associates, Inc. 303 Allegheny Avenue Towson, Maryland 21204

The Milton Inn Investors Limited Partnership 2328 West Joppa Road, Suite 200 Lutherville, Maryland 21093



Maryland Department of Transportation State Highway Administration RICHARD H. TRAINOR SECRETARY HAL KASSOFF Administrator

September 14, 1987

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Attn: Mr. James Dyer

Re: ZAC Meeting of 6-30-87 ITEM: #535. Property Owner: Eleanora E. Location: E/S York Road, 460 Feet N Centerline Quaker Rottom Road Existing Zoning: R.C. 4 Proposed Zoning: Special Hearing to approve business parking in an R.C. 4 zone and a Variance to allow 27% of the R.C. 4 zoned land to be covered by impermeable surfaces in lieu of the allowed 10% and 41% of the natural vegetation to be removed in lieu of the allowed 25% Area: 2.29 Acres District: 8th Election District

Revised Site plan of 8-11-87

Dear Mr. Haines:

On review of the revised submittal of 8-11-87 for the "Milton Inn", the State Highway Administration - Bureau of Engineering Access Permits will require additional revisions to the zoning submittal.

State Highway Administration Type "A" concrete curb and gutter must be constructed along the frontage of the site (24' offset from centerline) with deceleration lane and acceleration to meet revised S.H.A. requirements.

The existing 36" BCCMP under York Road (Route 45) must be extended and modified to the east to accommodate the York Road improvements.



My telephone number le 333-1350 ZONING OFFICE

Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro = 585-0451 D.C. Metro = 1-800-492-5082 Statewide Toli Free 707 North Calvert St., Baltimore, Maryland 21203-0717

State Highway Administration

Administrator

Secretary

September 23, 1987 " ZONING OFFICE

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Md. 21204 Attn: Mr. James Dyer

Re: ZAC Meeting of 6-30-87 Property Owner: Eleanora E. Location: E/S York Road, 460 Feet Location: E/S York Road, 460 Fee.

N Centerline Quaker Bottom Road

N Centerline Quaker Bottom Road

Existing Zoning: R.C. 4

Existing Zoning: Special Hearing

Proposed Zoning: allow 27% of the R.C. 4 zoned land allow 27% of the R.C. 4 zoned land allow 27% of the R.C. 4 zoned land to be covered by impermeable to be covered by impermeable to be covered by impermeable surfaces in lieu of the natural low and 41% of the natural vegetation to be removed in lieu of the allowed 25% lieu of the allowed 25% lieu of the allowed 25% lieu of the Blection District 8th Election District District: 8th Election District Revised Site Plan of 8-11-87
"Ammended Comment"

On September 21, 1987 the State Highway Administration Bureau of Engineering Access Permits received a revised site
plan showing required highway improvements at the "Milton Inn"
on York Road, Route 45.

The State Highway Administration - Bureau of Engineering Access Permits finds the submittal generally acceptable and a copy of the submittal is being attached for your use.

All work within the S.H.A. Right-of-Way must be through S.H.A. permit with the posting of a bond or letter of credit in the amount of \$7,000.00 to guarantee construction. Very ruly yours Grecion Li Matista

Creston J. Mills, Jr. My telephone number is 333-1350

Teletypewriter for impact to the same and the same CJM:GW:maw cc: G.W. Stephens & Assoc. Bur. C -By; George Wittman Teletypewriter for Impaired Hearing or Speech

Teletypewriter for Impair

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner Office of Planning and Zoning Zoning Item # 535, Zoning Advisory Committee Meeting of 6-30-87

Property Owner: Planota E. Allou

Location: E/5 York Rd.

District 8

Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, installation of equipment for any existing or proposed food service facilicomplete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

A permit to construct from the Division of Air Pollution Control is required

for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five

() Prior to approval of a Building Permit Application for renovations to exist-) Prior to approval of a Building Permit application for removations to exist ing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to specifications of the building, food service area and type of equipment to specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Flans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

Prior to any new construction or substantial alteration of public swimming Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County copies of plans and specifications must be submitted to the Baltimore County
Department of Health for review and approval. For more complete information,
contact the Recreational Hygiene Section, Division of Environmental Support

Prior to approval for a nursery school, owner or applicant must comply with) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Becomes Administration with Water Resources Administration requirements.

WWQ 1 4/86

Zoning Item # 535 Zoning Advisory Committee Meeting of 6-30-87 (V) Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or

disposal of potentially hazardous materials and solid wastes. () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste

() Soil percolation tests (have been/must be) conducted. The results are valid until Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.) In accordance with Section 13-117 of the Baltimore County Code, the water

shall be valid until

is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted. Section that an invironmental Effects report must be submitted.

(V) Others Lyngting Lift Charles by Situation Silch a

Liny as to profect at a fairest reficular clarify at the

Karen Ol Herrey AMADER KENER MARKET SHARE RADIVERA ALTREMENTAL FRANCHER

WWQ 2 4/86

Division of Water And Sewer Department of Environmental Protection and Resource Management

Baltimore Counts Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Tenson, Maryland 21204 14 3354

Mr. R. Haines

to a hearing date being set.

cc: G.W. Stephens & Assoc.

It is requested the site pi, any any

Gresten J. Mills, b.

Bure of the Phylinder P.

By: George Witten

Acting Chref

Access Termita

Page -2-Sept. 14, 1987

CJM:GW:maw

Mr. Arnold Jablon Coming Commissioner County Office Building Towson, Margland 21204

Itom No. 535 CANS Property Owner: Location: Txisting Zonini: The opening the state of the st

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The entrance to this rife must be easily a State Highway Alministration's repolation .

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Sent to the grant of the

Pleater 1. Miles

Baitimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

July 2, 1987

Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Re: Property Owner: Eleanora E. Allori

Location: E/S York Rd., 460' N c/1 Quacker Bottom Road

Item No.: 535

Zoning Agenda: Meeting of 6/30/87

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

. ($^{\rm X}$) 7. The Fire Prevention Bureau has no comments at this time.

State Highway Administration

HAL KASSOFF Administrator

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Md. 21204

Re: ZAC Meeting of 6-30-87 Arnold Jablon

Arnold Jablon

Arnold Jablon

ITEM: #535.

Property Owner: Eleanora E. Allori

N C. 4 zone Allo

Area: 2.29 acres District: 8th Election District

On review of the submittal of 6-17-87 for the "Milton Inn" the State Highway Administration offers the following comments.

The State Highway Administration is agreeable to the repaying of the existing parking area and entrance with no increased traffic generation. However, any increase to the parking area will require highway improvements to meet the approval of the State Highway Administration. istration.

The improvements will consist of the following:

1. The construction of State Highway Administration Type
"A" concrete curb and gutter along the frontage of the
Milton Inn for a distance of 330'±, offset 31' from the
centerline of York Road.

Construction of a bypass lane on the W/S of York Road -Route 45 for a total distance of 550' (12' wide).

My telephone number is (301) 333-1350 Teletypewriter for impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5052 Statewide Toli Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. A. Jablon Page -2-June 29, 1987

> 3. Reconstruction of the entrance to be a minimum of 25 in width, with 10' radii.

4. Reconstruction and extension of the drainage pipe (36" BCCMP) under York Road (Route 45) to accommodate highway widening.

Be advised the above comments are preliminary and a easement agreement must be obtained for all work outside the State Highway Administration Right-of-Way, (66' existing) for drainage outfall

It is requested the site plan be revised prior to a hearing date being set and all work within the State Highway Administration Right-of-Way must be through State Highway Administration permit with the posting of a bond or letter of credit to guarantee construction.

Very truly yours. Charles Lee . J. In.

Charles Lee. Chief Bureau of Engineering Access Permits

CL:GW:maw

By: George Wittman cc: Mr. J. Ogle MacKenzie & Associates, Inc.

R. Bruce Alderman, Esquire White, Mindel, Clarke & Hill The Susquehanne Building 29 West Susquehenna Avenue Towson, Maryland 21204

E/S York Road, 460' N of c/l of Quaker Bottom Road 8th Election District; 3rd Councilmanic District
The Milton Inm Investors Limited Partnership - Petitioner Case No. 88-151-3PHA

Dear Mr. Aldermant

Enclosed please find the decision rendered in the above-referenced case. Your Petitions for Special Hearing and Zoning Variance have been granted, aubject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. for further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. HASTAROVICZ Deputy Zoning Commissioner of Baltimore County

cer People's Counsel

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER PETITION FOR VARIANCE E/S York Rd., 460' N of C/L of Quaker Bottom Rd., 8th Election District; 3rd Councilmanic District

THE MILTON INN INVESTORS LIMITED PARTNERSHIP, Petitioner:

::::::

Please note an appeal from the decision of the Deputy Zoning Commissioner Board of Appeals and forward all papers in connection therewith to the Board

Phyllis Cole Friedman

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, MD 21204

the foregoing Notice of Appeal was mailed to R. Bruce Alderman, Esquire, White, Mindel, Clarke & Hill, The Susquehanna Bldg., 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner.

OF BALTIMORE COUNTY

Case No. 88-151-SPHA

NOTICE OF APPEAL

in the above-captioned matter, under date of November 20, 1987, to the County for hearing.

> People's Counsel for Baltimore County Pot Mas commences

I HEREBY CERTIFY that on this 9^{10} day of December, 1987, a copy of

ZONING OFFICE

Baltimore County Board of Appeals Old Courthouse, Room #205 Towson, Haryland 21204

REs Petitions for Special Hearing and Zoning Variance E/S Tork Road, 460' N of the c/1 of Quaker Bottom Road 8th Election District: 3rd Councilmanic District Eleanora E. Allori - Petitioner Case No. 88-151-SPHA

Please be advised that an appeal of the decision rendered in the abovereferenced matter was filed on December 9, 1987 by People's Counsel for Baltimore County. All materials relative to the case are being forwarded to your office herewith.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions on the subject, please do not hesitate to contact this office.

Very truly yours.

J. ROBERT HAINES Zoning Commissioner

cc: R. Bruce Alderman, Esquire, Attorney for Petitioner White, Mindel, Clarke & Hill The Susquehanna Building 29 W. Susquehanna Avanue Baltimore, Maryland 21204

Hr. Clark Hackenzie, President, Contract Purchaser MacKenzie Properties, Inc. 2328 West Joppa Road, Lutherville, Md. 21093

Phyllis Friedman, Esquire People's Counsel of Baltimore County Pas. 223, Old Courthouse Towson, Haryland 21204

SECREE W WHITE, JR CHARLES MINDEL M MHICE WIDEWAY ONN F FOLEY, JR EUGENE L MILES. III MILLIAM C C BANNES BOSENS & BOWIE, JR DENNIS F. Q BRIEN EGGENE W CUNNINGHAM,

WHITE, MINDEL, CLARKE & HILL 6TH FLOOR, 29 W. BUSQUEHANNA AVENUE

TOWSON, MARYLAND 21204 (301) 888-1050 October 7, 1987

---MAYRE DE GRACE, MD OFFICE ---

1400m-1016/

Zoning Commissioner for Baltimore County County Office Building Towson, Maryland 21204

> Re: Petition for Special Hearing Petition for Zoning Variance E/S York Road, 460' N C/L Quaker Bottom Road, Eighth Election District Case No. 88-151-SPHA, Item No. 535

Dear Sir:

MANCE MABARA DOWLING

When the above-referenced Petitions were filed Eleanora E. Alleri was the legal owner and The Milton Inn Investors Limited Partnership was the contract purchaser. Please be advised that The Millon Inn Investors Limited Partnership is now the legal owner of the property. Therefore, any correspondence, etc. should be sent to The Milton Inn Investors Limited Partnership and not to Eleanora Allori.

Sincerely yours,

R. Bruce Alderman

SK 54 - 45 1 20

cc: Phyllis Cole Friedman, Esquire Peter Max Zimmerman, Esquire



ZONING OFFICE

GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. ENGINEERS

303 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204 June 12, 1987

Description to Accompany Patition for Special Hearing to Allaw Parking in a Residential Zone and Variances, Containing 2.29 acrest.

Beginning for the same at a point on the existing BL-RC4 Zoning Line, said point being measured North '3° 46° East 460 feet from the centerline intersection of York Road and Quaker Bottom Road; thence binding on the outlines of the herein retitioner the six following lines: 1) North 81° 55' East 14.30 feet, 2) South 6° 13' East 79.43 feet, 3) North 77° 48' 40" East 314.58 feet, 4) North 33° 38' 20" West 648.45 feet, 5) South 5" 10' East 156.75 feet and 6) South 81" 22" West 59.50 feet to intersect the aforementioned BL-RC4 Zoning Line, thence binding on said line the two following lines, 7) North 86° 35' 40° East 47.93 feet and

8) South 4° 04' 45" East 369.25 feet to the place of beginning.

Containg 2.29 acres of land more or less.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zoning Commissioner

October 19, 1987

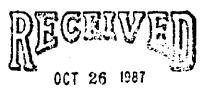
Norman E. Gerber, AICP FROM Director of Planning and Zoning

SUBJECT Zoning Petition No. 88-151-SPHA

It is recommended that the petitioner's request be denied. This office is opposed to any variance to the standards governing the maximum coverage with impervious surfaces. We believe that this is a reasonable and worthwhile measure that helps prevent negative impacts to the environment.

Director of Planning and Zoning

NEG: HSK: dme



Letter/Mrs. Ann M. Nastarowicz May 5, 1988

Although I cannot speak for the Board, I feel that based upon the fact that we had worked out all the concerns with Peoples Counsel and the Department of Environmental Protection and Resource Management that we will receive a favorable decision. Phyllis Friedman, in the Office of Peoples Counsel, however, requested that I obtain a letter from your office which would basically state that your office would not approve any building permit which would encompass any construction or land disturbance activity on the restricted B. L. land noted on the plan unless said restriction was amended or eliminated sometime in the future with the approval of Baltimore County. I believe the intent of Mrs. Friedman is to provide some additional safeguard that, in fact, permits would not be released inadvertently on this portion of the property. It seemed to all of us that the best department to be involved in such a monitoring activity would be the Zoning Office since all of the case file is on record in your department and all permits must be approved by your department.

Inasmuch as we have had considerable delay in finally resolving this entire issue since your order was written, anything you can do to help expedite writing this letter would be greatly appreciated. I would assume that the letter should be addressed to Phyllis Friedman with copies to myself and Clark F. MacKenzie, % The Milton Inn Investors Limited Partnership, 2328 W. Joppa Road, Suite 200, Lutherville, MD 21093.

The ou in advance for your cooperation in this matter and if you should have a westions, please do not hesitate to call.

cc: Clark F. MacKenzie

PJS:tjg

cc: Mr. Charles Fick

Mr. Rocky Powell

24.5% of the site.

tions are met:

GEC. RGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. CONSULTING ENGINEERS

GRONGE WILLIAM STEPHENE, JR.

305 ALLEGHENY AVENU W HARRY JESSEN, JR. P.L.S. CHARLES E PICK P.S. FRANCIS W. ZEIGLER, JR. P.S.S.

JOHN J. STAMM P.R. J. STRONG SMITH P.E.

TAPOBRATA CHAKRABARTI PI CHARLES K. STARK P.L.S. ROHERT B. BARKELL PASUNIALE B. CIARLO

PARTAGORI TRABITORY
1015 CHALLYBAM RIA 156
0016 1 978/106
0006 868/106

Baltimore County Department of Planning and Zoning County Office Building

Deputy Zoning Commissioner

Towson, MD 21204 Attention: Mrs. Ann N. Nastarowicz

May 10, 1988

Dear Mrs. Nastarowicz:

Thank you for calling me back last Friday with reference to my letter to you dated May 5, 1988, copy enclosed.

RE: Milton Inn

Case No. 88-151-SPHA

I explained your position with reference to writing the letter to Phyllis Friedman in the People's Council Office today and she requested that I write you another letter concerning this matter.

The purpose of this letter is merely to confirm that once the file from the Board of Appeals hearing is forwarded to your office, to be combined with your normal case file, that the documentation within that total file will be utilized by your staff if and when someone should come in to apply for a building permit within the restricted area set up on the site plan filed with the Board of Appeals. The concern of People's Council is primarily to avoid the possible issuance of a permit within this particular restricted area.

Mrs. Friedman has requested that if this is the case, that you sign this letter at the bottom in the space provided.

Thank you for your cooperation in this matter. If you have any questions, please do not hesitate to call.

very truly yours,

Date May 3, 1988

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

This memo supersedes the memo dated and forwarded to you on February 12.

As currently proposed, the expansion of the parking area on this commercial

I recommend that this arrangement be accepted as meeting the spirit of the

1. An infiltration trench should be provided to intercept runoff from the proposed parking area in order to minimize water quality impacts to the

2. That the natural area adjacent to the stream be stabilized and enhanced

3. That effective erosion and sediment control measures be incorporated;

4. Covenants acceptable to the County, placed on the 0.462 acre parcel.

1988. It is similar to the February 12th memo except that item numbers 1 and 4

have been deleted and combined in a reconstructed item number 1. This change in

item number I reflects the decision to replace a stream buffer requirement with a

water quality management structure as reflected in the petitioner's plat entitled.

"Plat to Accompany Petition for Special Exception" (88-151-SPHA) dated April 25,

site will increase the impervious surface on this site 27%, well in excess of the 10%

excess of the 25% maximum. In regard to the impervious surface issue, the petition

agrees to covenant an adjoining 0.462 acre, commercially zoned parcel so that it

will remain as an undeveloped, wooded tract. This reduces impervious surfaces to

RC-4 requirements since the deviation is minimal and because Milton Inn will be

better secured as an historic landmark. This is acceptable if the following condi-

stream immediately adjacent to the parking area;

by suitable vegetative plantings;

12.5% of the combined parcels. It also reduces the removal of vegetative cover to

maximum. Additionally, removal of natural vegetation will be 41%, greatly in

cc: Bob Aumiller

Mr. Peter Zimmerman

TO People's Counsel Office

and Resource Management

Mr. Paul J. Solomon
FROM Department of Environment Protection

SURJECT Milton Inn Parking Expansion -Impervious Area Limitation in RC-4

LECHARD A PARRIM PR MILLARD T WHALE PR WAYNER MAIR WHALIFE PL

Mr. Charles E. Fick, President George William Stephens, Jr. & Associates, Inc. 303 Alleghony Avenue P.O. Box 5828 Towsou, Haryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE E/S York Road, 460' W of the c/l of Quaker Bottom Road Electora E. Allori - Petitioner Case No. 88-151-8774

This letter is in response to your letter of May 5, 1988 and to confirm our telephone conversation of May 9, 1988 on the above-captioned matter.

As discussed, this office cannot provide you with the letter requested. The subject matter is now pending before the Board of Appeals. If the Board's decision incorporates the restrictions requested by People's Counsel, through Ms. Priedman and agreed to by Petitioner, said Order will be marked on the appropriate maps and it and the plan will be reviewed prior to the Office of 200ing signing off on any permits regarding the property.

If you should have any further questions on the subject, please do not hesitate to contact this office.

Yery truly yours.

ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

cc: Phyllis Friedman, Esquire

Clark F. MacKenzie

MacKenzie Properties, Inc. 2328 West Joppa Road, Suite 200 Lutherville, No. 21093



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May 5, 1988

Baltimore County Department of Planning and Zoning

ATTN: Hrs. Ann M. Nastarowicz Deputy Zoning Commissioner

RE: Milton Inn Case #88-151-SPHA

Dear Mrs. Nastarowicz:

On November 20, 1987 you issued an order granting approval of a special hearing to park in a residential zone granting variances on percent of impermeable services and percent removal of natural vegetation for the subject project. Peoples Counsel took an appeal and the case was heard on May 4, 1988 by the Board of Appeals. In essence, Peoples Counsel filed the appeal so as not to allow a precedent to be set in the RC 4 Zone. After considerable negotiation and plan modification which primarily dealt with the Baltimore County Department of Environmental Protection and Resource Management, the plan was revised to reduce the requested variance percentages and, at the same time, placing restrictions on an existing B. L. portion of the same property. The effect of placing restrictions on this 0.462 acre B. L. land was to provide additional area to the R. C. = 4 land so as to reduce the overall percentages.

I am enclosing a copy of the Plat which was submitted to the Board of Appeals for the hearing on May 4, 1988. You will note on the Plat that there are certain restrictions enumerated which deal with that portion of the B. L. land set aside.



FMZ:

MA'04 1988

County Board of Appeals of Baltimore County Room 200 Court House Towson, Maryland 21204 (301) 494-3180

June 21, 1988

Robert J. Aumiller, Esquire Suite 200, 2328 W. Joppa Road Lutherville, MD 21093

> RE: Case No. 88-151-SFHA Eleanora E. Allori

Dear Mr. Aumiller:

Enclosed is a copy of the Amended Order issued this date by the County Board of Appeals regarding the subject case.

> Sincerely, Lathur D. Ellerankammer

Rathleen C. Weidenhammer

Administrative Secretary

cc: Mr. Clark MacKenzie, President MacKenzie Froperties, Inc. Charles E. Fick, P.E. G. W. Stephens & Assoc., Inc. Phyllis C. Friedman, Esquire P. David Fields James G. Hoswell J. Robert Haines Ann M. Nastarowicz James E. Dyer Docket Clerk -Zoning Arnold Jablon, County Attorney



Mr. Charles E. Fick, President George William Stephens, Jr. & Associates, Inc. 303 Allegheny Avenue P.O. Box 6828 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL REARING AND ZONING VARIANCE E/S York Road, 460' N of the c/l of Quaker Bottom Road

Eleanoru E. Allori - Petitioner Case No. 83-151-SFHA

Dear Mr. Fick:

This letter is in response to your letter of May 5. 1988 and to confirm our telephone conversation of May 9, 1988 on the above-captioned maiter.

As discussed, this office carrot provide you with the letter requested. The subject matter is now pending before the Board of Appeals. If the Board's decision incorporates the restrictions requested by People's Counsel, through is. Friedman and agreed to by Petitioner, said Order will be marked on the appropriate maps and it and the plan will be reviewed prior to the Office of Loning signing off on any permits regarding the property.

If you should have any further questions on the subject, please do not hesitate to contact this office.

Very cruly yours,

ADI W. HASTANOMICE Deputy Zoning Commissioner or Baltimore County

AllN:bjs

co: Phyllia Sciedna, suquire . People's dominal

Clark F. Mackensie

Machenite Properties, Inc. 2323 West Joppa Woad, Suite 200 Latherville, Md. 21092



CONSULTING ENGINEERS

GRONGE WELLAM STRPHENE, JR.

May 23, 1988

W. HARRY JESSOP, JR. P.L.S. CHARLES E. FRUK P.E. HRANGS W. ZEKHER, JR. P.L.S. JOHN J. STAMM P.E. J. STRUKG SMITH P.E. NOBRATA CHARGEMAN CHASLES & STARK PLS ROBERT B. BARKELL PASQUALE & CLARLO WALTER P. HENRY PLS ROBERT P. HENRY PLS

County Board of Appeals Baitimore County Room 200 Court House

Towson, Maryland 21204 ATTN: Mr. Allliam T. Hackett, Chairman

RE: Case Number 88-151-SPHA The Milton Inn

203 883T BRCHADWAY BEL AIR, MARYLAND 21014 901/879-1900 301/838-3800

LEONARD & PARKISH P.I MELARD T. SCHALE P.E.

I am in receipt of a copy of your order for the Subject Case dated May 12, 1988 granting the petition of the owner, The Milton Inn Investors Limited Partnership, to allow parking in a residential zone and certain variances. As a representative of the owner, I note certain discrepancies in the order which on behalf of the owner I would request be modified. The changes that are necessary are as follows:

1. Referring to the marked up copy of Page 2 of that order, "He further testified that the property owner agrees to no further development of any kind on the remaining B. L. area," should be changed to: He further testified that the property owner agrees to no further development of any kind on that portion of the remaining B. L. property labeled Restricted Area and consisting of 0.462 acres plus or minus. I am enclosing a copy of Exhibit 1 which highlights the restricted area, the description of that area and the restrictions that apply to the area.

2. Again on Page 2 of the order, the sentence "This calculation now reduces the impermeable area originally proposed at 27%

Letter/Mr. William T. Hackett Nay 23, 1988 page 2 of 2

to 12%", should be changed to: This calculation now reduces the impermeable area originally proposed at 27% to 12.5%. The vegetation removal area remains as stated in the order.

3. On Page 3 of the order the sentence, "IT IS FURTHER ORDERED that the variance from 10% to 12%" should be changed to: IT IS FURTHER ORDERED that the variance from 10% to 12.5%.

4. Again on Page 3 of that order the sentence, "IT IS FURTHER ORDERED that the agreement to restrict the balance of the B. L. land" should be changed to: IT IS FURTHER ORDERED that the agreement to restrict the 0.462 acre portion of the remaining B. L. land.

I apologize for any confusion which may have resulted from testimony; however, the exhibit clearly indicated the 12.5% impermeable surface variance and that the restriction applied only to that portion of the B. L. land labeled Restricted Area - 0.462 Acres. I would appreciate it if a new order could be drawn up with these corrections so as to avoid any problems in the future when we submit site plans and apply for permits, etc.

If you have any questions concerning the above, please do not hesitate to call.

Charles E. Fick, P.E., President

CEF: Vlk

cc: Robert Aumiller MacKenzie and Associates



County Board of Appeals of Maltimore County Room 200 Court House Towson, Maryland 21204 (301) 494-3180 May 12, 1988

R. Bruce Alderman, Esq. White, Mindel, Clarke & Hill The Susquehanna Building 29 W. Susquehanna Avenue Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case No. 88-151-SPHA Eleanora E. Allori

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above

> Very truly yours, June Holmen, Secretary

cc: Clark MacKenzie Phyllis C. Friedman David Fields James Hoswell J. Robert Haines Ann M. Nastarowicz James F. Dyer Docket Clerk

1/22/88 - Following notified of hear. set for Wed. May 4, 1988, at 10 a.m.;

R. Bruce Alderman Clark MacKenzie David Fields, J. Hoswell Robt. haines, A. Nastarowicz, J. Dyer, Doc. Clerk Phyllis C. Friedman

Eleanora E. Allo: Case No. 88-151-SPH

surface requirements, the vegetation removal requirements and proposes the minimum parking requirements. The Board is of the opinion that the denial of these variances would in fact be arbitrary and capricious and that the Petitioner has evidenced through testimony, practical hardship or unreasonable difficuly in preserving this site should these requests be denied and vill therefore order the variances be granted.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 12th day of May, 1988, by the County Board of Appeals, CRDERED that the proposed 77 parking spaces as shown on Petitioner's Exhibit No. ! be and the same are GRANTED, and

IT IS FURTHER ORDERED that the variance from 10% to 12% of the impermeable surface requirements as shown on Petitioner's Exhibit No. 1 be and the same is GRANTED, and

IT IS FURTHER ORDERED that the removal of the vegetation necessary to provide this parking from 25% to 27% be and the same is GRANTED, and

IT IS FURTHER ORDERED that the agreement to restrict the " balance of the B.L.-land from any further development whatsoever be noted in this Order.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY f. Hackett, Chairman

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

December 22, 1987



Dennis F. Rasmusser

Baltimore County Board of Appeals Old Courthouse, Room #205

Towson, Maryland 21204 PE: Petitions for Special Hearing and Zoning Variance E/S York Road, 460' N of the c/l of Quaker Bottom Road 8th Election District; 3rd Councilmanic District Sleanora E. Allori - Petitioner

e No. 88-151-SPHA

Please be advised that an appeal of the decision rendered in the abovereferenced matter was filed on December 9, 1987 by People's Counsel for Baltimore County. All materials relative to the case are being forwarded to your office herewith.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions on the subject, please do not hesitate to contact this office.

Very truly yours,

ROBERT HAINES Zoning Commissioner

cc: R. Bruce Alderman, Esquire, Attorney for Petitioner

White, Mindel, Clarke & Hill The Susquehanna Building 29 W. Susquehanna Avenue Baltimore, Maryland 21204

Mr. Clark MacKenzie, President, Contract Purchaser MacKenzie Properties, Inc. 2328 West Joppa Road, Lutherville, Md. 21093

Phyllis Friedman, Esquire People's Counsel of Baltimore County Rm. 223, Old Courthouse Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE E/S York Rd., 460° N of C/L of Quaker Bottom Rd., 8th Election District; 3rd Councilmanic District

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 88-151-SPHA THE MILTON INN INVESTORS

LIMITED PARTNERSHIP, Petitioner ::::::

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of November 20, 1987, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 9^{2k} day of December, 1987, a copy of the foregoing Notice of Appeal was mailed to R. Bruce Alderman, Esquire, White, Mindel, Clarke & Hill, The Susquehanna Bidg., 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman

IN THE MATTER OF THE APPLICATION OF ELEANORA É. ALLORI FOR SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE EAST SIDE OF YORK RD. 460' NORTH OF CENTER LINE OF QUAKER BOTTOM RD. 8th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY No. 89-151-SPHA

OPINION

This case comes before this Board on Petition to allow 27% of R.C. zoned land to be covered by impermeable surfaces in lieu of the allowed 10% and the removal of natural vegetation from 41% of the R.C. 4 moned land in lieu of the allowed 25%, and a variance to permit 103 parking spaces in lieu of the 38 now in existence. At this point, Petitioner entered as Exhibit No. 1, an amended plat addressing the above issues with testimony to authenticate this to be presented by their engineer.

In opening statements to the Board, Petitioner noted that a meeting had been held with all affected neighbors, with all proper county authorities and with the State Highway Administration, and certain agreements had been reached. The Board will state fon the record that agreements reached between all parties do not necessarily mandate that the Fetition be granted. The Board will give proper weight to the agreements but will assess the testimony and evidence as it applies to the Baltimore County Coning Regulations and rule upon its compliante with those regulations.

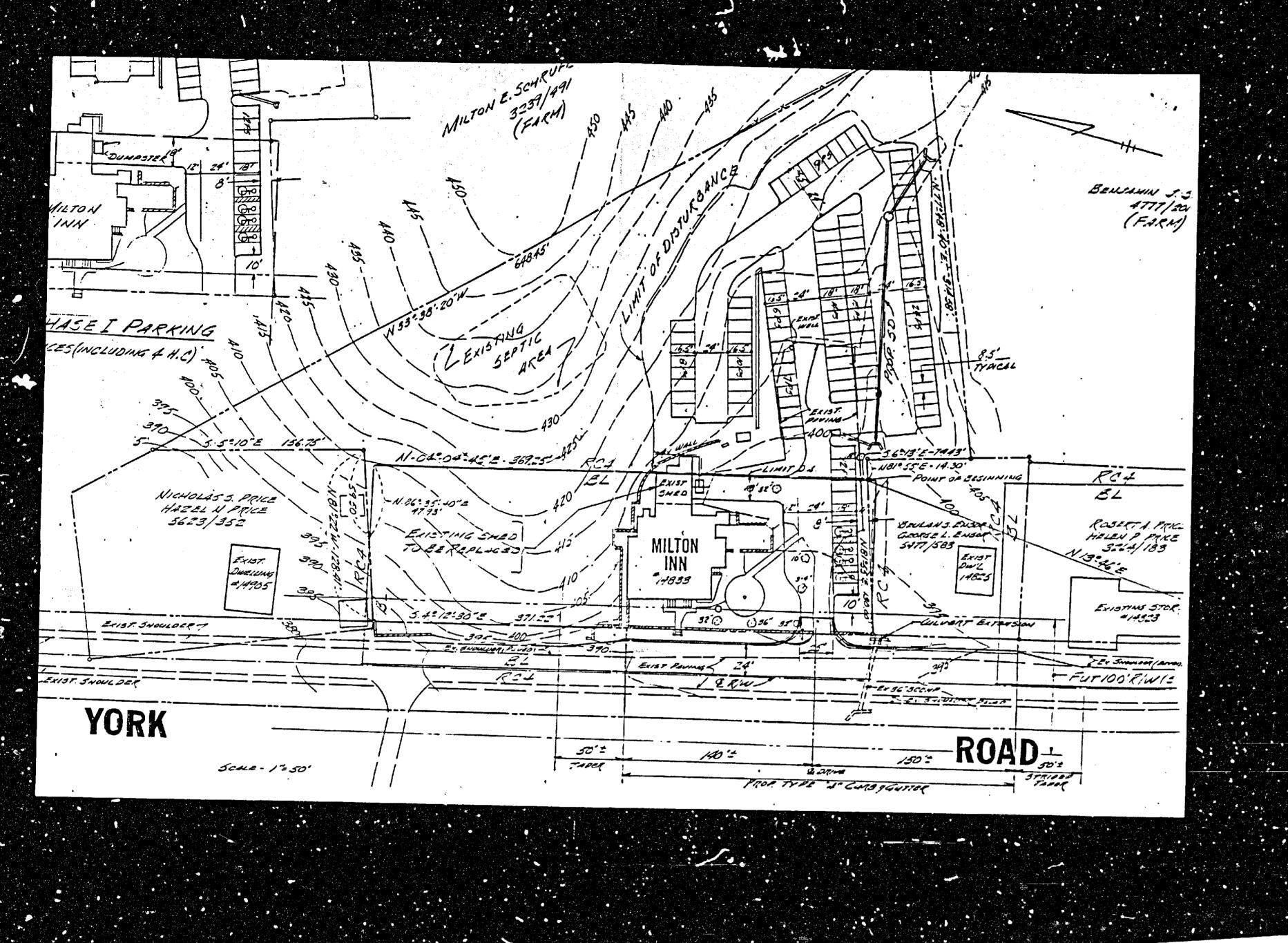
Mr. Clarke MacKenzie testified as the property comer and noted that the property is now leased to the Milton Inn Corporation who operate a restaurant business. He noted that the building contains some 6,000 square feet, which would require 103 parking spaces, but that the restaurant can only seat 100 people and are therefore requesting only 77 parking spaces. He further testified that the property contains some .994 acres of B.L. zoning and some 2.200 acres of R.C. 4 zoning. He further testified that the parking problem

was horrendous and parking now infringes on both sides of York Road and presents a dangerous situation to traffic on York Road and for customers in the restaurant. He testified that the only practical area to place the proposed additional parking was as evidenced on Petitioner's Exhibit No. 1, and explained the practical difficulty and the hardship if the requested variances were denied

Mr. Charles Fick, President of George W. Stephens & Associates Inc., a registered professional engineer, testified as to the revised site plan submitted to the Board. He testified that the new proposal would provide proper access to the site and that the State Highway had approved this access. He further testified that the property owner agrees to no further development of any kind on the remaining B.L. area, and therefore this area could be included in the calculations for the impermeable area restriction and the vegetation removal restriction. This calculation now reduces the impermeable area originally proposed at 27% to 12% and the vegetation removal area will be reduced from 41% to 27%, and that the parking variance is now reduced from 103 spaces to 77 spaces. He further testified that because of the existence of the present sewerage system and because of the topography of the site these were the only practical solutions to the problems encountered in trying to maintain this historic building and its use.

People's Counsel presented Paul Solomon, the Natural Resource Flanner, and testified he has reviewed all those plans and is in agreement that the requested variances as proposed on Exhibit No. 1 should be granted. He further noted the importance of the historical aspect of this site and that it was his opinion that the revised plan addresses the spirit and intent of the County Regulations.

The Board will note that this building in some fashion has been in existence himse 1740. Fresent owners are obviously dedicated to usintaining its historical significance. The ar nded site plan addresses the impermeable



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 28-15/58/17

Location of property: FLS York Rd 460° N/ bush wolf My

Location of Signs: Factory fork till apprece to Free Trip dwg, on

District_ TT4

Number of Signs: ___

Date of Posting 10/13/17

Date of return: 16/16/87

	CERTIFICATE OF PUBLICATION
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	TOWSON TIMES. Sucan Shuder Debut Publisher
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	ZONING DEPARTMENT OF BALTIMORE COUNTY
District 974	Date of Posting 1/3/88
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Remarks:	Post Post Post Post Post Post Post Post

TOWSON. MD..

Oct 8, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in The Jeffersonian, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct 8, 1987

THE JEFFERSONIAN,

Lusan Susku Obust

Publisher